

Internal
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HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Utah American Energy, West Ridge Mine
Permit #: C0070041

NOV # 10103
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The Permittee failed to follow the water monitoring requirements of the approved mining and reclamation plan (MRP) for the West Ridge Mine. Failure to report required water monitoring parameters in the timeline established by the MRP hindered Division staff from performing a thorough water monitoring review.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: The Permittee had been informed numerous times as to the reporting requirements for the West Ridge Mine (including but not limited to the parameters/values required as well as the required timeline for their submittal to the Division). After repeated quarters of missing/late data that prompted numerous follow ups by Division staff, the Permittee was warned that failure to provide the required data in the established time-line would result in enforcement action.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: _____

**Hindrance to Enforcement
Inspector's Statement**

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- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: NOV #10103 has directed the Permittee to provide the missing data no later than February 7th, 2013. Good faith points should be determined by a timely submittal of the requested information.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? If yes, explain.

Explanation: _____

Authorized Representative


Signature

January 30, 2013
Date